

SENATE BILL REPORT

SB 5834

As of February 14, 2007

Title: An act relating to licensing consulting foresters.

Brief Description: Licensing consulting foresters.

Sponsors: Senator Jacobsen.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/14/07.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Curt Gavigan (786-7437)

Background: The Department of Licensing (DOL) licenses and regulates over 30 professions and businesses.

According to information from the Society of American Foresters, by 2004, 16 states had implemented some form of licensing or registration program affecting persons who provide forestry services to the public.

There are no requirements in Washington for the certification or licensing of persons practicing consulting forestry.

Summary of Bill: A person who practices as a consulting forester must obtain a license from the State Board of Consulting Foresters. A consulting forester is a person who, by reason of his or her knowledge of the natural sciences, mathematics, and the principles of forestry acquired by forestry education or experience, performs forestry services for the public on a fee basis, including such activities as consultation, investigation, evaluation, planning, or the responsible supervision of forestry activities when the services require the application of forestry principles and techniques.

A State Board of Consulting Foresters is established consisting of five members appointed by the Governor. Three board members must be consulting foresters, two of whom must be selected from a list of at least three names provided by nationally recognized professional forestry societies and associations. The consulting foresters must each have ten years experience. One board member must be appointed from a list of at least three names submitted by a statewide organization representing nonindustrial forest landowners. The remaining public member must have no connection to the forestry profession. Members serve for terms of five years and may not serve more than two consecutive terms.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The board's powers and duties include: (1) establishing standards of practice and a code of ethics; (2) establishing minimum requirements for continuing education; (3) issuing and revoking licenses; (4) investigating complaints; (5) and administering an exam. The board may not impose requirements regarding forest practices more stringent than the forest practice rules adopted under Chapter 76.09 RCW.

Each applicant for a license must meet the following minimum requirements: (1) graduation in forestry or a related field from a four-year program approved by the board; (2) five years experience as a consulting forester; and (3) successful completion of an exam administered by the board. Seven years experience may substitute for the education requirement. Until January 1, 2010, an applicant may qualify with seven years of experience or successful completion of an exam.

The board must set an examination fee and a license fee. The license must be renewed every two years.

Several exemptions from the license requirement exist, including for a person who: (1) practices forestry on his or her own land; (2) provides services such as timber harvesting, tree planting, timber stand improvement, pesticide application or pest control, site preparation, and fire control; (3) practices forestry on government land as a government forester; (4) practices forestry as an employee of a forestry business on the business land; or (5) practices forestry under the direction of a supervising consulting forester.

A consulting forester licensed by another state with substantially similar requirements to those in Washington, including reciprocity, may be licensed in Washington without taking an examination as part of the licensing requirement.

It is a criminal violation punishable as a misdemeanor to practice consulting forestry without a license, use the title without being licensed, or endorse documents as a consulting forester if the documents were not prepared by the person endorsing them.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: A forester licensing system would help ensure that unscrupulous individuals do not falsely advertise their knowledge and abilities as consulting foresters. Many individuals looking for forestry help do not understand the forest practice rules or the problems that can arise if forestland planning is not done accurately. This is a bill to help protect the public from bad actors who portray themselves as knowledgeable, but really have no experience.

OTHER: The Department of Natural Resources (DNR) wants to help ensure that the public is protected, but thinks that initiatives through nationwide forestry organizations could be a better option.

Persons Testifying: PRO: Maurice Williamson, Williamson Consulting; Phil Hess, Forest and Land Service; Paul Garton, landowner; Bill Berrigan, Berrigan Forestry, Inc.; Robert A. Boyd, Boyd & Company; Michael D. Jackson, Professional Forestry Service, Inc.; Steve Pedersen, Forest Resources, Inc.

OTHER: Bruce Mackey, DNR.